

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291
100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

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ADRIANE D. CROUSE, Secretary.

1139S.09P

AN ACT

To repeal sections 190.292, 190.327, 190.335, 190.455, 190.460, and 650.330, RSMo, and to enact in lieu thereof seven new sections relating to emergency communication services, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 190.292, 190.327, 190.335, 190.455, 190.460, and
2 650.330, RSMo, are repealed and seven new sections enacted in lieu thereof, to
3 be known as sections 190.292, 190.327, 190.335, 190.455, 190.460, 190.462, and
4 650.330, to read as follows:

190.292. 1. In lieu of the tax levy authorized under section 190.305 for
2 emergency telephone services, the county commission of any county may impose
3 a county sales tax for the provision of central dispatching of fire protection,
4 including law enforcement agencies, emergency ambulance service or any other
5 emergency services, including emergency telephone services, which shall be
6 collectively referred to herein as "emergency services", and which may also
7 include the purchase and maintenance of communications and emergency
8 equipment, including the operational costs associated therein, in accordance with
9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit
11 to the voters of the county, at a public election, a proposal to authorize the county

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 commission to impose a tax under the provisions of this section. If the residents
13 of the county present a petition signed by a number of residents equal to ten
14 percent of those in the county who voted in the most recent gubernatorial
15 election, then the commission shall submit such a proposal to the voters of the
16 county.

17 3. The ballot of submission shall be in substantially the following form:

18 Shall the county of _____ (insert name of county) impose a
19 county sales tax of _____ (insert rate of percent) percent for the
20 purpose of providing central dispatching of fire protection,
21 emergency ambulance service, including emergency telephone
22 services, and other emergency services?

23 YES NO

24 If a majority of the votes cast on the proposal by the qualified voters voting
25 thereon are in favor of the proposal, then the ordinance shall be in effect as
26 provided herein. If a majority of the votes cast by the qualified voters voting are
27 opposed to the proposal, then the county commission shall have no power to
28 impose the tax authorized by this section unless and until the county commission
29 shall again have submitted another proposal to authorize the county commission
30 to impose the tax under the provisions of this section, and such proposal is
31 approved by a majority of the qualified voters voting thereon.

32 4. The sales tax may be imposed at a rate not to exceed one percent on the
33 receipts from the sale at retail of all tangible personal property or taxable
34 services at retail within any county adopting such tax, if such property and
35 services are subject to taxation by the state of Missouri under the provisions of
36 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
37 months before operation of the central dispatching of emergency services.

38 5. Except as modified in this section, all provisions of sections 32.085 and
39 32.087 shall apply to the tax imposed under this section.

40 6. Any tax imposed pursuant to section 190.305 shall terminate at the end
41 of the tax year in which the tax imposed pursuant to this section for emergency
42 services is certified by the board to be fully operational. Any revenues collected
43 from the tax authorized under section 190.305 shall be credited for the purposes
44 for which they were intended.

45 7. At least once each calendar year, the board, as established by
46 subsection 11 of this section, shall establish a tax rate, not to exceed the amount
47 authorized, that together with any surplus revenues carried forward will produce

48 sufficient revenues to fund the expenditures authorized by sections 190.290 to
49 190.296. Amounts collected in excess of that necessary within a given year shall
50 be carried forward to subsequent years. The board shall make its determination
51 of such tax rate each year no later than September first and shall fix the new rate
52 which shall be collected as provided in sections 190.290 to 190.296. Immediately
53 upon making its determination and fixing the rate, the board shall publish in its
54 minutes the new rate, and it shall notify every retailer by mail of the new rate.

55 8. Immediately upon the affirmative vote of voters of such a county on the
56 ballot proposal to establish a county sales tax pursuant to the provisions of this
57 section, the county commission shall appoint the initial members of a board to
58 administer the funds and oversee the provision of emergency services in the
59 county. Beginning with the general election in 1994, all board members shall be
60 elected according to this section and other applicable laws of this state. At the
61 time of the appointment of the initial members of the board, the commission shall
62 relinquish and no longer exercise the duties prescribed in this chapter with
63 regard to the provision of emergency services and such duties shall be exercised
64 by the board.

65 9. The initial board shall consist of seven members appointed without
66 regard to political affiliation, three of whom shall be selected from, and who shall
67 represent, the fire protection districts, ambulance districts, sheriff's department,
68 municipalities, and any other emergency services. Four of the members of the
69 board shall not be selected from or represent the fire protection districts,
70 ambulance districts, sheriff's department, municipalities, or any other emergency
71 services. Any individual serving on the board on August 28, 2004, may continue
72 to serve and seek reelection or reappointment to the board, notwithstanding any
73 provisions of this subsection. This initial board shall serve until its successor
74 board is duly elected and installed in office. The commission shall ensure
75 geographic representation of the county by appointing no more than four members
76 from each district of the county commission.

77 10. Beginning in 1994, three members shall be elected from each district
78 of the county commission and one member shall be elected at large. The members
79 of the board shall annually elect, from among their number, the chairman of the
80 board. Of those first elected, four members from districts of the county
81 commission shall be elected for terms of two years and two members from
82 districts of the county commission and the member at large shall be elected for
83 terms of four years. In 1996, and thereafter, all terms of office shall be four

84 years. The election of the board members shall be conducted at the first
85 municipal election held in a calendar year.

86 11. When the board is organized, it shall be a body corporate and a
87 political subdivision of the state and shall be known as the "_____ Emergency
88 Services Board".

89 12. This section shall only apply to any county of the third classification
90 without a township form of government and with more than twenty-four thousand
91 five hundred but less than twenty-four thousand six hundred inhabitants.

92 **13. A purchase that provides prepaid wireless**
93 **telecommunications service, as such term is defined in section 190.460,**
94 **is specifically exempted from the tax imposed under this section or**
95 **section 190.335 if such county did not prohibit the prepaid wireless**
96 **emergency telephone service charge as allowed in subsection 6 of**
97 **section 190.460 or votes to impose the prepaid wireless emergency**
98 **telephone service charge as allowed under subsection 7 of section**
99 **190.460.**

190.327. 1. Immediately upon the decision by the commission to utilize
2 a portion of the emergency telephone tax for central dispatching and an
3 affirmative vote of the telephone tax, the commission shall appoint the initial
4 members of a board which shall administer the funds and oversee the provision
5 of central dispatching for emergency services in the county and in municipalities
6 and other political subdivisions which have contracted for such
7 service. Beginning with the general election in 1992, all board members shall be
8 elected according to this section and other applicable laws of this state. At the
9 time of the appointment of the initial members of the board, the commission shall
10 relinquish to the board and no longer exercise the duties prescribed in this
11 chapter with regard to the provision of emergency telephone service and in
12 chapter 321, with regard to the provision of central dispatching service, and such
13 duties shall be exercised by the board.

14 2. Elections for board members may be held on general municipal election
15 day, as defined in subsection 3 of section 115.121, after approval by a simple
16 majority of the county commission.

17 3. For the purpose of providing the services described in this section, the
18 board shall have the following powers, authority and privileges:

19 (1) To have and use a corporate seal;

20 (2) To sue and be sued, and be a party to suits, actions and proceedings;

21 (3) To enter into contracts, franchises and agreements with any person,
22 partnership, association or corporation, public or private, affecting the affairs of
23 the board;

24 (4) To acquire, construct, purchase, maintain, dispose of and encumber
25 real and personal property, including leases and easements;

26 (5) To have the management, control and supervision of all the business
27 affairs of the board and the construction, installation, operation and maintenance
28 of any improvements;

29 (6) To hire and retain agents and employees and to provide for their
30 compensation including health and pension benefits;

31 (7) To adopt and amend bylaws and any other rules and regulations;

32 (8) To fix, charge and collect the taxes and fees authorized by law for the
33 purpose of implementing and operating the services described in this section;

34 (9) To pay all expenses connected with the first election and all
35 subsequent elections; and

36 (10) To have and exercise all rights and powers necessary or incidental
37 to or implied from the specific powers granted in this subsection. Such specific
38 powers shall not be considered as a limitation upon any power necessary or
39 appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

40 4. (1) Notwithstanding the provisions of subsections 1 and 2 of this
41 section to the contrary, the county commission may elect to appoint the members
42 of the board to administer the funds and oversee the provision of central
43 dispatching for emergency services in the counties, municipalities, and other
44 political subdivisions which have contracted for such service upon the request of
45 the municipalities and other political subdivisions. Upon appointment of the
46 initial members of the board, the commission shall relinquish all powers and
47 duties to the board and no longer exercise the duties prescribed in this chapter
48 with regard to the provision of central dispatching service and such duties shall
49 be exercised by the board.

50 (2) The board shall consist of seven members appointed without regard
51 to political affiliation. The members shall include:

52 (a) Five members who shall serve for so long as they remain in their
53 respective county or municipal positions as follows:

54 a. The county sheriff, or his or her designee;

55 b. The heads of the municipal police department who have contracted for
56 central dispatching service in the two largest municipalities wholly contained

57 within the county, or their designees; or

58 c. The heads of the municipal fire departments or fire divisions who have
59 contracted for central dispatching service in the two largest municipalities wholly
60 contained within the county, or their designees;

61 (b) Two members who shall serve two-year terms appointed from among
62 the following:

63 a. The head of any of the county's fire protection districts who have
64 contracted for central dispatching service, or his or her designee;

65 b. The head of any of the county's ambulance districts who have
66 contracted for central dispatching service, or his or her designee;

67 c. The head of any of the municipal police departments located in the
68 county who have contracted for central dispatching service, or his or her designee,
69 excluding those mentioned in subparagraph b. of paragraph (a) of this
70 subdivision; and

71 d. The head of any of the municipal fire departments in the county who
72 have contracted for central dispatching service, or his or her designee, excluding
73 those mentioned in subparagraph c. of paragraph (a) of this subdivision.

74 (3) Upon the appointment of the board under this subsection, the board
75 shall have the powers provided in subsection 3 of this section and the commission
76 shall relinquish all powers and duties relating to the provision of central
77 dispatching service under this chapter to the board.

78 **5. An emergency services board originally organized under**
79 **section 190.325 operating within a county with a charter form of**
80 **government and with more than two hundred thousand but fewer than**
81 **three hundred fifty thousand inhabitants shall not have a sales tax for**
82 **emergency services or for providing central dispatching for emergency**
83 **services greater than one-quarter of one percent. If on the effective**
84 **date of this section such tax is greater than one-quarter of one percent,**
85 **the board shall lower the tax rate.**

190.335. 1. In lieu of the tax levy authorized under section 190.305 for
2 emergency telephone services, the county commission of any county may impose
3 a county sales tax for the provision of central dispatching of fire protection,
4 including law enforcement agencies, emergency ambulance service or any other
5 emergency services, including emergency telephone services, which shall be
6 collectively referred to herein as "emergency services", and which may also
7 include the purchase and maintenance of communications and emergency

8 equipment, including the operational costs associated therein, in accordance with
9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit
11 to the voters of the county, at a public election, a proposal to authorize the county
12 commission to impose a tax under the provisions of this section. If the residents
13 of the county present a petition signed by a number of residents equal to ten
14 percent of those in the county who voted in the most recent gubernatorial
15 election, then the commission shall submit such a proposal to the voters of the
16 county.

17 3. The ballot of submission shall be in substantially the following form:

18 Shall the county of _____ (insert name of county) impose a
19 county sales tax of _____ (insert rate of percent) percent for the
20 purpose of providing central dispatching of fire protection,
21 emergency ambulance service, including emergency telephone
22 services, and other emergency services?

23 YES

NO

24 If a majority of the votes cast on the proposal by the qualified voters voting
25 thereon are in favor of the proposal, then the ordinance shall be in effect as
26 provided herein. If a majority of the votes cast by the qualified voters voting are
27 opposed to the proposal, then the county commission shall have no power to
28 impose the tax authorized by this section unless and until the county commission
29 shall again have submitted another proposal to authorize the county commission
30 to impose the tax under the provisions of this section, and such proposal is
31 approved by a majority of the qualified voters voting thereon.

32 4. The sales tax may be imposed at a rate not to exceed one percent on the
33 receipts from the sale at retail of all tangible personal property or taxable
34 services at retail within any county adopting such tax, if such property and
35 services are subject to taxation by the state of Missouri under the provisions of
36 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
37 months before operation of the central dispatching of emergency services.

38 5. Except as modified in this section, all provisions of sections 32.085 and
39 32.087 shall apply to the tax imposed under this section.

40 6. Any tax imposed pursuant to section 190.305 shall terminate at the end
41 of the tax year in which the tax imposed pursuant to this section for emergency
42 services is certified by the board to be fully operational. Any revenues collected
43 from the tax authorized under section 190.305 shall be credited for the purposes

44 for which they were intended.

45 7. At least once each calendar year, the board shall establish a tax rate,
46 not to exceed the amount authorized, that together with any surplus revenues
47 carried forward will produce sufficient revenues to fund the expenditures
48 authorized by this act. Amounts collected in excess of that necessary within a
49 given year shall be carried forward to subsequent years. The board shall make
50 its determination of such tax rate each year no later than September first and
51 shall fix the new rate which shall be collected as provided in this
52 act. Immediately upon making its determination and fixing the rate, the board
53 shall publish in its minutes the new rate, and it shall notify every retailer by
54 mail of the new rate.

55 8. Immediately upon the affirmative vote of voters of such a county on the
56 ballot proposal to establish a county sales tax pursuant to the provisions of this
57 section, the county commission shall appoint the initial members of a board to
58 administer the funds and oversee the provision of emergency services in the
59 county. Beginning with the general election in 1994, all board members shall be
60 elected according to this section and other applicable laws of this state. At the
61 time of the appointment of the initial members of the board, the commission shall
62 relinquish and no longer exercise the duties prescribed in this chapter with
63 regard to the provision of emergency services and such duties shall be exercised
64 by the board.

65 9. The initial board shall consist of seven members appointed without
66 regard to political affiliation, who shall be selected from, and who shall represent,
67 the fire protection districts, ambulance districts, sheriff's department,
68 municipalities, any other emergency services and the general public. This initial
69 board shall serve until its successor board is duly elected and installed in
70 office. The commission shall ensure geographic representation of the county by
71 appointing no more than four members from each district of the county
72 commission.

73 10. Beginning in 1994, three members shall be elected from each district
74 of the county commission and one member shall be elected at large, such member
75 to be the chairman of the board. Of those first elected, four members from
76 districts of the county commission shall be elected for terms of two years and two
77 members from districts of the county commission and the member at large shall
78 be elected for terms of four years. In 1996, and thereafter, all terms of office
79 shall be four years; provided that, if a board established under this section

80 consolidates with a board established under this section, section 190.327, or
81 section 190.328, under the provisions of section 190.470, the term of office for the
82 existing board members shall end on the thirtieth day following the appointment
83 of the initial board of directors for the consolidated district. Notwithstanding any
84 other provision of law, if there is no candidate for an open position on the board,
85 then no election shall be held for that position and it shall be considered vacant,
86 to be filled pursuant to the provisions of section 190.339, and, if there is only one
87 candidate for each open position, no election shall be held and the candidate or
88 candidates shall assume office at the same time and in the same manner as if
89 elected.

90 11. Notwithstanding the provisions of subsections 8 to 10 of this section
91 to the contrary, in any county of the first classification with more than two
92 hundred forty thousand three hundred but fewer than two hundred forty
93 thousand four hundred inhabitants or in any county of the third classification
94 with a township form of government and with more than twenty-eight thousand
95 but fewer than thirty-one thousand inhabitants or in any county of the third
96 classification without a township form of government and with more than
97 thirty-seven thousand but fewer than forty-one thousand inhabitants and with a
98 city of the fourth classification with more than four thousand five hundred but
99 fewer than five thousand inhabitants as the county seat, any emergency
100 telephone service 911 board appointed by the county under section 190.309 which
101 is in existence on the date the voters approve a sales tax under this section shall
102 continue to exist and shall have the powers set forth under section 190.339. Such
103 boards which existed prior to August 25, 2010, shall not be considered a body
104 corporate and a political subdivision of the state for any purpose, unless and until
105 an order is entered upon an unanimous vote of the commissioners of the county
106 in which such board is established reclassifying such board as a corporate body
107 and political subdivision of the state. The order shall approve the transfer of the
108 assets and liabilities related to the operation of the emergency telephone service
109 911 system to the new entity created by the reclassification of the board.

110 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
111 section to the contrary, in any county of the second classification with more than
112 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
113 inhabitants or any county of the first classification with more than fifty thousand
114 but fewer than seventy thousand inhabitants that has approved a sales tax under
115 this section, the county commission shall appoint the members of the board to

116 administer the funds and oversee the provision of emergency services in the
117 county.

118 (2) The board shall consist of seven members appointed without regard
119 to political affiliation. Except as provided in subdivision (4) of this subsection,
120 each member shall be one of the following:

121 (a) The head of any of the county's fire protection districts, or a designee;

122 (b) The head of any of the county's ambulance districts, or a designee;

123 (c) The county sheriff, or a designee;

124 (d) The head of any of the police departments in the county, or a designee;

125 and

126 (e) The head of any of the county's emergency management organizations,
127 or a designee.

128 (3) Upon the appointment of the board under this subsection, the board
129 shall have the power provided in section 190.339 and shall exercise all powers
130 and duties exercised by the county commission under this chapter, and the
131 commission shall relinquish all powers and duties relating to the provision of
132 emergency services under this chapter to the board.

133 (4) In any county of the first classification with more than fifty thousand
134 but fewer than seventy thousand inhabitants, each of the entities listed in
135 subdivision (2) of this subsection shall be represented on the board by at least one
136 member.

137 (5) In any county with more than fifty thousand but fewer than seventy
138 thousand inhabitants and with a county seat with more than two thousand one
139 hundred but fewer than two thousand four hundred inhabitants, the entities
140 listed in subdivision (2) of this subsection shall be represented by one member,
141 and two members shall be residents of the county not affiliated with any of the
142 entities listed in subdivision (2) of this subsection and shall be known as public
143 members.

144 13. Any county that has authorized a tax levy under this section **prior**
145 **to January 1, 2012**, and such levy is reduced automatically [in future years]
146 **after approval of such levy**, shall not submit to the voters of the county for
147 approval any proposal authorized under this section that is greater than the
148 amount at the time of reduction.

149 **14. A purchase that provides prepaid wireless**
150 **telecommunications service, as such term is defined in section 190.460,**
151 **is specifically exempted from the tax imposed under this section or**

152 **section 190.292 if such county did not prohibit the prepaid wireless**
153 **emergency telephone service charge as allowed in subsection 6 of**
154 **section 190.460 or votes to impose the prepaid wireless emergency**
155 **telephone service charge as allowed under subsection 7 of section**
156 **190.460.**

190.455. 1. Except as provided under subsection [9] **10** of this section, in
2 lieu of the tax levy authorized under section 190.305 or 190.325, or the sales tax
3 imposed under section 190.292 or 190.335, the governing body of any county, city
4 not within a county, or home rule city with more than fifteen thousand but fewer
5 than seventeen thousand inhabitants and partially located in any county of the
6 third classification without a township form of government and with more than
7 thirty-seven thousand but fewer than forty-one thousand inhabitants may impose,
8 by order or ordinance, a monthly fee on subscribers of any communications
9 service that has been enabled to contact 911. The monthly fee authorized in this
10 section shall not exceed one dollar and shall be assessed to the subscriber of the
11 communications service, regardless of technology, based upon the number of
12 active telephone numbers, or their functional equivalents or successors, assigned
13 by the provider and capable of simultaneously contacting the public safety
14 answering point; provided that, for multiline telephone systems and for facilities
15 provisioned with capacity greater than a voice-capable grade channel or its
16 equivalent, regardless of technology, the charge shall be assessed on the number
17 of voice-capable grade channels as provisioned by the provider that allow
18 simultaneous contact with the public safety answering point. Only one fee may
19 be assessed per active telephone number, or its functional equivalent or successor,
20 used to provide a communications service. No fee imposed under this section
21 shall be imposed on more than one hundred voice-grade channels or their
22 equivalent per person per location. Notwithstanding any provision of this section
23 to the contrary, the monthly fee shall not be assessed on the provision of
24 broadband internet access service. The fee shall be imposed solely for the
25 purpose of funding 911 service in such county or city. The monthly fee authorized
26 in this section shall be limited to one fee per device. The fee authorized in this
27 section shall be in addition to all other taxes and fees imposed by law and may
28 be stated separately from all other charges and taxes. The fee shall be the
29 liability of the subscriber, not the provider, except that the provider shall be
30 liable to remit all fees that the provider collects under this section.

31 2. No such order or ordinance adopted under this section shall become

32 effective unless the governing body of the county or city submits to the voters
33 residing within the county or city at a state general, primary, or special election
34 a proposal to authorize the governing body to impose a fee under this
35 section. The question submitted shall be in substantially the following form:

36 "Shall _____ (insert name of county or city) impose a
37 monthly fee of _____ (insert amount) on a subscriber of any
38 communications service that has been enabled to contact 911 for
39 the purpose of funding 911 service in the _____ (county or
40 city)?"

41 If a majority of the votes cast on the question by the qualified voters voting
42 thereon are in favor of the question, the fee shall become effective on the first day
43 of the second calendar quarter after the director of revenue receives notification
44 of adoption of the fee. If a majority of the votes cast on the question by the
45 qualified voters voting thereon are opposed to the question, the fee shall not
46 become effective unless and until the question is resubmitted under this section
47 to the qualified voters and such question is approved by a majority of the
48 qualified voters voting on the question.

49 **3. Notwithstanding any provisions of this section to the contrary,**
50 **the governing body of a county with a charter form of government and**
51 **with more than six hundred thousand but fewer than seven hundred**
52 **thousand inhabitants shall put the question set forth in subsection 2 of**
53 **this section before the voters of the county no later than the general**
54 **election in 2020.**

55 **4.** Except as modified in this section, all provisions of sections 32.085 and
56 32.087 and subsection 7 of section 144.190 shall apply to the fee imposed under
57 this section.

58 [4.] **5.** All revenue collected under this section by the director of the
59 department of revenue on behalf of the county or city, except for two percent to
60 be withheld by the provider for the cost of administering the collection and
61 remittance of the fee, and one percent for the cost of collection which shall be
62 deposited in the state's general revenue fund, shall be deposited in the Missouri
63 911 service trust fund created under section 190.420. The director of the
64 department of revenue shall remit such funds to the county or city on a monthly
65 basis. The governing body of any such county or city shall control such funds
66 remitted to the county or city unless the county or city has established an elected
67 board for the purpose of administering such funds. In the event that any county

68 or city has established a board under any other provision of state law for the
69 purpose of administering funds for 911 service, such existing board may continue
70 to perform such functions after the county or city has adopted the monthly fee
71 under this section.

72 [5.] 6. Nothing in this section imposes any obligation upon a provider of
73 a communications service to take any legal action to enforce the collection of the
74 tax imposed in this section. The tax shall be collected in compliance, as
75 applicable, with the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.
76 Sections 116 to 124, as amended.

77 [6.] 7. Notwithstanding any other provision of law to the contrary,
78 proprietary information submitted under this section shall only be subject to
79 subpoena or lawful court order. Information collected under this section shall
80 only be released or published in aggregate amounts that do not identify or allow
81 identification of numbers of subscribers or revenues attributable to an individual
82 communications service provider.

83 [7.] 8. Notwithstanding any other provision of law to the contrary, in no
84 event shall any communications service provider, its officers, employees, assigns,
85 agents, vendors, or anyone acting on behalf of such persons, be liable for any form
86 of civil damages or criminal liability that directly or indirectly results from, or is
87 caused by:

88 (1) An act or omission in the development, design, installation, operation,
89 maintenance, performance, or provision of service to a public safety answering
90 point or to subscribers that use such service, whether providing such service is
91 required by law or is voluntary; or

92 (2) The release of subscriber information to any governmental entity
93 under this section unless such act, release of subscriber information, or omission
94 constitutes gross negligence, recklessness, or intentional misconduct.

95 Nothing in this section is intended to void or otherwise override any contractual
96 obligation pertaining to equipment or services sold to a public safety answering
97 point by a communications service provider. No cause of action shall lie in any
98 court of law against any provider of communications service, commercial mobile
99 service, or other communications-related service, or its officers, employees,
100 assignees, agents, vendors, or anyone acting on behalf of such persons, for
101 providing call location information concerning the user of any such service in an
102 emergency situation to a law enforcement official or agency in order to respond
103 to a call for emergency service by a subscriber, customer, or user of such service

104 or for providing caller location information or doing a ping locate in an emergency
105 situation that involves danger of death or serious physical injury to any person
106 where disclosure of communications relating to the emergency is required without
107 delay, whether such provision of information is required by law or voluntary.

108 [8.] 9. The fee imposed under this section shall not be imposed on
109 customers who pay for service prospectively, including customers of prepaid
110 wireless telecommunications service.

111 [9.] 10. The fee imposed under this section shall not be imposed in
112 conjunction with any tax imposed under section 190.292, 190.305, 190.325, or
113 190.335. No county or city shall simultaneously impose more than one tax
114 authorized in this section or section 190.292, 190.305, 190.325, or 190.335. No
115 fee imposed under this section shall be imposed on more than one hundred
116 exchange access facilities or their equivalent per person per location. The fee
117 imposed under this section shall not be imposed in conjunction with any tax
118 imposed for central dispatching of emergency services in any home rule city with
119 more than four hundred thousand inhabitants and located in more than one
120 county or any county containing a portion of such city, and such city or counties
121 shall not simultaneously impose more than one tax or fee for central dispatching
122 of emergency services; provided however, if any such county approves the fee
123 authorized under this section, collection of such fee shall be in lieu of any tax
124 authorized for central dispatching of emergency services in the county and any
125 portion of the city within the county.

126 [10.] 11. No county or legally authorized entity shall submit a proposal
127 to the voters of the county under this section or section 190.335 until either:

128 (1) All providers of emergency telephone service as defined in section
129 190.300 and public safety answering point operations within the county are
130 consolidated into one public agency as defined in section 190.300 that provides
131 emergency telephone service for the county, or such providers and the public
132 safety answering point have entered into a shared services agreement for such
133 services;

134 (2) The county develops a plan for consolidation of emergency telephone
135 service, as defined in section 190.300, and public safety answering point
136 operations within the county are consolidated into one public agency, as defined
137 in section 190.300, that provides emergency telephone service for the county; or

138 (3) The county emergency services board, as defined in section 190.290,
139 develops a plan for consolidation of emergency telephone service, as defined in

140 section 190.300, and public safety answering point operations within the county
141 that includes either consolidation or entering into a shared services agreement
142 for such services, which shall be implemented on approval of the fee by the
143 voters.

144 [11.] **12.** Any plan developed under subdivision (2) or (3) of subsection
145 [10] **11** of this section shall be filed with the Missouri 911 service board under
146 subsection 4 of section 650.330. Any plan that is filed under this subsection shall
147 provide for the establishment of a joint emergency communications board as
148 described in section 70.260 unless a joint emergency communication board or
149 emergency services board for the area in question has been previously
150 established. The director of the department of revenue shall not remit any funds
151 as provided under this section until the department receives notification from the
152 Missouri 911 service board that the county has filed a plan that is ready for
153 implementation. If, after one year following the enactment of the fee described
154 in subsection 1 of this section, the county has not complied with the plan that the
155 county submitted under subdivision (2) or (3) of subsection [10] **11** of this section,
156 but the county has substantially complied with the plan, the Missouri 911 service
157 board may grant the county an extension of up to six months to comply with its
158 plan. Not more than one extension may be granted to a county. The authority
159 to impose the fee granted to the county in subsection 1 of this section shall be
160 null and void if after one year following the enactment of the fee described in
161 subsection 1 of this section the county has not complied with the plan and has not
162 been granted an extension by the Missouri 911 service board, or if the six-month
163 extension expires and the county has not complied with the plan.

164 [12.] **13.** Each county that does not have a public agency, as defined in
165 section 190.300, that provides emergency telephone service as defined in section
166 190.300 for the county shall either:

167 (1) Enter into a shared-services agreement for providing emergency
168 telephone services with a public agency that provides emergency telephone
169 service, if such an agreement is feasible; or

170 (2) Form with one or more counties an emergency telephone services
171 district in conjunction with any county with a public agency that provides
172 emergency telephone service within the county. If such a district is formed under
173 this subdivision, the governing body of such district shall be the county
174 commissioners of each county within the district, and each county within such
175 district shall submit to the voters of the county a proposal to impose the fee under

176 this section.

177 [13.] **14.** A county operating joint or shared emergency telephone service,
178 as defined in section 190.300, may submit to the voters of the county a proposal
179 to impose the fee to support joint operations and further consolidation under this
180 section.

181 [14.] **15.** All 911 fees shall be imposed as provided in the Mobile
182 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

183 [15.] **16.** Nothing in subsections [10,] 11, 12, [and] 13, **and 14** of this
184 section shall apply to a county with a charter form of government where all public
185 safety answering points within the county utilize a common 911 communication
186 service as implemented by the appropriate local and county agencies prior to
187 August 28, 2018.

188 [16.] **17.** Any home rule city with more than four hundred thousand
189 inhabitants and located in more than one county and any county in which it is
190 located shall establish an agreement regarding the allocation of anticipated
191 revenue created upon passage of a ballot proposition submitted to the voters as
192 provided for in sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well
193 as revenue provided based upon section 190.460 and the divided costs related to
194 regional 911 services. The allocation and actual expenses of the regional 911
195 service shall be determined based upon the percentage of residents of each county
196 who also reside in the home rule city. The agreement between the counties and
197 the home rule city may either be between the individual counties and the home
198 rule city or jointly between all entities. The agreement to divide costs and
199 revenue as required in this section shall not take effect until the passage of a
200 ballot proposition as provided for in section 190.292, 190.305, 190.325, 190.335,
201 or 190.455. The population shall be determined based upon the most recent
202 decennial census. This subsection shall not apply to a county of the first
203 classification without a charter form of government and with less than five
204 percent of its population living in any home rule city with more than four
205 hundred thousand inhabitants and located in more than one county.

190.460. 1. As used in this section, the following terms mean:

2 (1) "Board", the Missouri 911 service board established under section
3 650.325;

4 (2) "Consumer", a person who purchases prepaid wireless
5 telecommunications service in a retail transaction;

6 (3) "Department", the department of revenue;

7 (4) "Prepaid wireless service provider", a provider that provides prepaid
8 wireless service to an end user;

9 (5) "Prepaid wireless telecommunications service", a wireless
10 telecommunications service that allows a caller to dial 911 to access the 911
11 system and which service shall be paid for in advance and is sold in
12 predetermined units or dollars of which the number declines with use in a known
13 amount;

14 (6) "Retail transaction", the purchase of prepaid wireless
15 telecommunications service from a seller for any purpose other than resale. The
16 purchase of more than one item that provides prepaid wireless telecommunication
17 service, when such items are sold separately, constitutes more than one retail
18 transaction;

19 (7) "Seller", a person who sells prepaid wireless telecommunications
20 service to another person;

21 (8) "Wireless telecommunications service", commercial mobile radio service
22 as defined by 47 CFR 20.3, as amended.

23 2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid
24 wireless emergency telephone service charge on each retail transaction. The
25 amount of such charge shall be equal to three percent of the amount of each retail
26 transaction [over the minimal amount. However, if a minimal amount of prepaid
27 wireless telecommunications service is sold with a prepaid wireless device for a
28 single nonitemized price, the seller may elect not to apply such service charge to
29 such transaction. For purposes of this subdivision, an amount of service
30 denominated as less than fifteen dollars is minimal]. **The first fifteen dollars**
31 **of each retail transaction shall not be subject to the service charge.**

32 (2) **When prepaid wireless telecommunications service is sold**
33 **with one or more products or services for a single, non-itemized price,**
34 **the prepaid wireless emergency telephone service charge set forth in**
35 **subdivision (1) of this subsection shall apply to the entire non-itemized**
36 **price unless the seller elects to apply such service charge in the**
37 **following way:**

38 (a) **If the amount of the prepaid wireless telecommunications**
39 **service is disclosed to the consumer as a dollar amount, three percent**
40 **of such dollar amount; or**

41 (b) **If the seller can identify the portion of the price that is**
42 **attributable to the prepaid wireless telecommunications service by**

43 **reasonable and verifiable standards from the seller's books and records**
44 **that are kept in the regular course of business for other purposes**
45 **including, but not limited to non-tax purposes, three percent of such**
46 **portion;**

47 **The first fifteen dollars of each transaction under this subdivision shall**
48 **not be subject to the service charge.**

49 (3) The prepaid wireless emergency telephone service charge shall be
50 collected by the seller from the consumer with respect to each retail transaction
51 occurring in this state. The amount of the prepaid wireless emergency telephone
52 service charge shall be either separately stated on an invoice, receipt, or other
53 similar document that is provided to the consumer by the seller or otherwise
54 disclosed to the consumer.

55 [(3)] (4) For purposes of this subsection, a retail transaction that is
56 effected in person by a consumer at a business location of the seller shall be
57 treated as occurring in this state if that business location is in this state, and any
58 other retail transaction shall be treated as occurring in this state if the retail
59 transaction is treated as occurring [in this state under state law] **under chapter**
60 **144.**

61 [(4)] (5) The prepaid wireless emergency telephone service charge is the
62 liability of the consumer and not of the seller or of any provider; except that, the
63 seller shall be liable to remit all charges that the seller **collects or** is deemed to
64 collect [if the amount of the charge has not been separately stated on an invoice,
65 receipt, or other similar document provided to the consumer by the seller].

66 [(5)] (6) The amount of the prepaid wireless emergency telephone service
67 charge that is collected by a seller from a consumer, if such amount is separately
68 stated on an invoice, receipt, or other similar document provided to the consumer
69 by the seller, shall not be included in the base for measuring any tax, fee,
70 surcharge, or other charge that is imposed by this state, any political subdivision
71 of this state, or any intergovernmental agency.

72 3. (1) Prepaid wireless emergency telephone service charges collected by
73 sellers shall be remitted to the department at the times and in the manner
74 provided by state law with respect to sales and use taxes. The department shall
75 establish registration and payment procedures that substantially coincide with
76 the registration and payment procedures that apply under state law. **On or**
77 **after the effective date of the service charge imposed under the**
78 **provisions of this section, the director of the department of revenue**

79 shall perform all functions incident to the administration, collection,
80 enforcement, and operation of the service charge, and the director shall
81 collect, in addition to the sales tax for the state of Missouri, all
82 additional service charges imposed in this section. All service charges
83 imposed under this section together with all taxes imposed under the
84 sales tax law of the state of Missouri shall be collected together and
85 reported upon such forms and under such administrative rules and
86 regulations as may be prescribed by the director. All applicable
87 provisions contained in sections 144.010 to 144.525 governing the state
88 sales tax and section 32.057 shall apply to the collection of any service
89 charges imposed under this section except as modified.

90 (2) Beginning on January 1, 2019, and ending on January 31, 2019, when
91 a consumer purchases prepaid wireless telecommunications service in a retail
92 transaction from a seller under this section, the seller shall be allowed to retain
93 one hundred percent of the prepaid wireless emergency telephone service charges
94 that are collected by the seller from the consumer. Beginning on February 1,
95 2019, a seller shall be permitted to deduct and retain three percent of prepaid
96 wireless emergency telephone service charges that are collected by the seller from
97 consumers.

98 (3) The department shall establish procedures by which a seller of prepaid
99 wireless telecommunications service may document that a sale is not a retail
100 transaction, which procedures shall substantially coincide with the procedures for
101 documenting sale for resale transactions for sales and use purposes under state
102 law.

103 (4) The department shall deposit all remitted prepaid wireless emergency
104 telephone service charges into the general revenue fund for the department's use
105 until eight hundred thousand one hundred fifty dollars is collected to reimburse
106 its direct costs of administering the collection and remittance of prepaid wireless
107 emergency telephone service charges. From then onward, the department shall
108 deposit all remitted prepaid wireless emergency telephone service charges into
109 the Missouri 911 service trust fund created under section 190.420 within thirty
110 days of receipt for use by the board. After the initial eight hundred thousand one
111 hundred fifty dollars is collected, the department may deduct an amount not to
112 exceed one percent of collected charges to be retained by the department to
113 reimburse its direct costs of administering the collection and remittance of
114 prepaid wireless emergency telephone service charges.

115 (5) The board shall set a rate between twenty-five and one hundred
116 percent of the prepaid wireless emergency telephone service charges deposited in
117 the Missouri 911 service trust fund collected in counties without a charter form
118 of government, less the deductions authorized in subdivision (4) of this
119 subsection, that shall be remitted to such counties in direct proportion to the
120 amount of charges collected in each county. The board shall set a rate between
121 sixty-five and one hundred percent of the prepaid wireless emergency telephone
122 service charges deposited in the Missouri 911 service trust fund collected in
123 counties with a charter form of government and any city not within a county, less
124 the deductions authorized in subdivision (4) of this subsection, that shall be
125 remitted to each such county or city not within a county in direct proportion to
126 the amount of charges collected in each such county or city not within a county.
127 **If a county has an elected emergency services board, the Missouri 911**
128 **service board shall remit the funds to the elected emergency services**
129 **board, except for an emergency services board originally organized**
130 **under section 190.325 operating within a county with a charter form of**
131 **government and with more than two hundred thousand but fewer than**
132 **three hundred fifty thousand inhabitants, in which case the funds shall**
133 **be remitted to the county's general fund for the purpose of public**
134 **safety infrastructure.** The initial percentage rate set by the board for counties
135 with and without a charter form of government and any city not within a county
136 **shall be set by June thirtieth of each applicable year and** may be adjusted
137 [after three years, and thereafter the rate may be adjusted every two] **annually**
138 **for the first three years, and thereafter the rate may be adjusted every**
139 **three** years; however, at no point shall the board set rates that fall below
140 twenty-five percent for counties without a charter form of government and
141 sixty-five percent for counties with a charter form of government and any city not
142 within a county.

143 (6) Any amounts received by a county or city under subdivision (5) of this
144 subsection shall be used only for purposes authorized in sections 190.305,
145 190.325, and 190.335. Any amounts received by any county with a charter form
146 of government and with more than six hundred thousand but fewer than seven
147 hundred thousand inhabitants under this section may be used for emergency
148 service notification systems.

149 4. (1) A seller that is not a provider shall be entitled to the immunity and
150 liability protections under section 190.455, notwithstanding any requirement in

151 state law regarding compliance with Federal Communications Commission Order
152 05-116.

153 (2) A provider shall be entitled to the immunity and liability protections
154 under section 190.455.

155 (3) In addition to the protection from liability provided in subdivisions (1)
156 and (2) of this subsection, each provider and seller and its officers, employees,
157 assigns, agents, vendors, or anyone acting on behalf of such persons shall be
158 entitled to the further protection from liability, if any, that is provided to
159 providers and sellers of wireless telecommunications service that is not prepaid
160 wireless telecommunications service under section 190.455.

161 5. The prepaid wireless emergency telephone service charge imposed by
162 this section shall be in addition to any other tax, fee, surcharge, or other charge
163 imposed by this state, any political subdivision of this state, or any
164 intergovernmental agency for 911 funding purposes[, except that such prepaid
165 wireless emergency telephone service charge shall be charged in lieu of, and not
166 imposed in addition to, any tax imposed under section 190.292 or 190.335].

167 6. The provisions of this section shall become effective unless the
168 governing body of a county or city adopts an ordinance, order, rule, resolution, or
169 regulation by at least a two-thirds vote prohibiting the charge established under
170 this section from becoming effective in the county or city at least forty-five days
171 prior to the effective date of this section. If the governing body does adopt such
172 ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the
173 charge shall not be collected and the county or city shall not be allowed to obtain
174 funds from the Missouri 911 service trust fund that are remitted to the fund
175 under the charge established under this section. The Missouri 911 service board
176 shall, by September 1, 2018, notify all counties and cities of the implementation
177 of the charge established under this section, and the procedures set forth under
178 this subsection for prohibiting the charge from becoming effective.

179 **7. Any county or city which prohibited the prepaid wireless**
180 **emergency telephone service charge pursuant to the provisions of**
181 **subsection 6 of this section may take a vote of the governing body, and**
182 **notify the department of revenue of the result of such vote, by**
183 **November 15, 2019, to impose such charge effective January 1, 2020. A**
184 **vote of at least two-thirds of the governing body is required in order to**
185 **impose such charge. The department shall notify the board of notices**
186 **received by December 1, 2019. [This section shall expire on January 1, 2023.]**

190.462. 1. As used in this section, the following terms mean:

2 (1) "All retail sales subject to sales tax", tangible personal
3 property and services subject to the tax imposed by sections 190.292 or
4 190.335;

5 (2) "General retailer", a person making a sale at retail as defined
6 in section 144.010;

7 (3) "Taxpayer", a person who pays the tax imposed under sections
8 190.292 or 190.335.

9 2. (1) If a court of competent jurisdiction issues a declaratory
10 ruling prior to the effective date of this section that the taxes imposed
11 under sections 190.292 or 190.335 are pre-empted by the provisions of
12 subsection 5 of section 190.460 on all retail sales subject to sales tax in
13 a taxing jurisdiction that did not opt out of the collection of the
14 prepaid wireless emergency telephone service charge:

15 (a) A seller or general retailer who collected and remitted the
16 tax imposed under sections 190.292 or 190.335 on all retail sales subject
17 to sales tax in a taxing jurisdiction that did not opt out of such tax
18 under the provisions of subsection 6 of section 190.460, shall not be
19 required to refund such taxes to taxpayers;

20 (b) All requests for refunds by taxpayers shall be made directly
21 to the taxing jurisdiction. The department of revenue shall develop
22 procedures and forms for taxpayers requesting refunds from taxing
23 jurisdictions;

24 (c) This subsection applies to taxes collected between January
25 1, 2019, and the first day of the calendar month following a declaratory
26 ruling by a court of competent jurisdiction that the taxes imposed
27 under sections 190.292 or 190.335 are pre-empted by the provisions of
28 subsection 5 of section 190.460 on all retail sales subject to sales tax in
29 taxing jurisdictions that did not opt out of the collection of the prepaid
30 wireless emergency telephone service charge.

31 (2) If this section goes into effect prior to a court of competent
32 jurisdiction issuing a declaratory ruling, then the provisions of
33 paragraphs (a) and (b) of subdivision (1) of this subsection shall apply
34 from January 1, 2019, until the effective date of this section.

35 3. (1) If a court of competent jurisdiction issues a declaratory
36 ruling prior to the effective date of this section that the taxes imposed
37 under sections 190.292 or 190.335 are pre-empted by the provisions of

38 subsection 5 of section 190.460 only on sales of prepaid wireless
39 telecommunications services in a taxing jurisdiction that did not opt
40 out of the collection of the prepaid wireless emergency telephone
41 service charge:

42 (a) A seller or other retailer who did not collect the tax imposed
43 under sections 190.292 or 190.335 on the retail sale of wireless
44 telecommunications service and wireless devices associated therewith
45 shall not be liable for any assessment or incur any other liability on
46 such uncollected taxes;

47 (b) This subsection applies to assessments for the period
48 beginning January 1, 2019, and ending on the first day of the calendar
49 month following a declaratory ruling by a court of competent
50 jurisdiction that the taxes imposed by under sections 190.292 or 190.335
51 are pre-empted by the provisions of subsection 5 of section 190.460 only
52 on sales of prepaid wireless telecommunications services in a taxing
53 jurisdiction that did not opt out of the collection of the prepaid
54 wireless emergency telephone service charge.

55 (2) If this section takes effect prior to a court of competent
56 jurisdiction issuing a declaratory ruling, then the provisions of
57 paragraphs (a) and (b) of subdivision (1) of this subsection shall apply
58 from January 1, 2019, until the effective date of this section.

59 4. This section shall expire on January 1, 2023.

650.330. 1. The board shall consist of fifteen members, one of which shall
2 be chosen from the department of public safety, and the other members shall be
3 selected as follows:

4 (1) One member chosen to represent an association domiciled in this state
5 whose primary interest relates to municipalities;

6 (2) One member chosen to represent the Missouri 911 Directors
7 Association;

8 (3) One member chosen to represent emergency medical services and
9 physicians;

10 (4) One member chosen to represent an association with a chapter
11 domiciled in this state whose primary interest relates to a national emergency
12 number;

13 (5) One member chosen to represent an association whose primary
14 interest relates to issues pertaining to fire chiefs;

15 (6) One member chosen to represent an association with a chapter
16 domiciled in this state whose primary interest relates to issues pertaining to
17 public safety communications officers;

18 (7) One member chosen to represent an association whose primary
19 interest relates to issues pertaining to police chiefs;

20 (8) One member chosen to represent an association domiciled in this state
21 whose primary interest relates to issues pertaining to sheriffs;

22 (9) One member chosen to represent counties of the second, third, and
23 fourth classification;

24 (10) One member chosen to represent counties of the first classification,
25 counties with a charter form of government, and cities not within a county;

26 (11) One member chosen to represent telecommunications service
27 providers;

28 (12) One member chosen to represent wireless telecommunications service
29 providers;

30 (13) One member chosen to represent voice over internet protocol service
31 providers; and

32 (14) One member chosen to represent the governor's council on disability
33 established under section 37.735.

34 2. Each of the members of the board shall be appointed by the governor
35 with the advice and consent of the senate for a term of four years. Members of
36 the committee may serve multiple terms. No corporation or its affiliate shall
37 have more than one officer, employee, assign, agent, or other representative
38 serving as a member of the board. Notwithstanding subsection 1 of this section
39 to the contrary, all members appointed as of August 28, 2017, shall continue to
40 serve the remainder of their terms.

41 3. The board shall meet at least quarterly at a place and time specified
42 by the chairperson of the board and it shall keep and maintain records of such
43 meetings, as well as the other activities of the board. Members shall not be
44 compensated but shall receive actual and necessary expenses for attending
45 meetings of the board.

46 4. The board shall:

47 (1) Organize and adopt standards governing the board's formal and
48 informal procedures;

49 (2) Provide recommendations for primary answering points and secondary
50 answering points on technical and operational standards for 911 services;

51 (3) Provide recommendations to public agencies concerning model systems
52 to be considered in preparing a 911 service plan;

53 (4) Provide requested mediation services to political subdivisions involved
54 in jurisdictional disputes regarding the provision of 911 services, except that the
55 board shall not supersede decision-making authority of local political subdivisions
56 in regard to 911 services;

57 (5) Provide assistance to the governor and the general assembly regarding
58 911 services;

59 (6) Review existing and proposed legislation and make recommendations
60 as to changes that would improve such legislation;

61 (7) Aid and assist in the timely collection and dissemination of
62 information relating to the use of a universal emergency telephone number;

63 (8) Perform other duties as necessary to promote successful development,
64 implementation and operation of 911 systems across the state, including
65 monitoring federal and industry standards being developed for next-generation
66 911 systems;

67 (9) Designate a state 911 coordinator who shall be responsible for
68 overseeing statewide 911 operations and ensuring compliance with federal grants
69 for 911 funding;

70 (10) Elect the chair from its membership;

71 (11) Apply for and receive grants from federal, private, and other sources;

72 (12) Report to the governor and the general assembly at least every three
73 years on the status of 911 services statewide, as well as specific efforts to improve
74 efficiency, cost-effectiveness, and levels of service;

75 (13) Conduct and review an annual survey of public safety answering
76 points in Missouri to evaluate potential for improved services, coordination, and
77 feasibility of consolidation;

78 (14) Make and execute contracts or any other instruments and agreements
79 necessary or convenient for the exercise of its powers and functions, including for
80 the development and implementation of an emergency services internet protocol
81 network that can be shared by all public safety agencies;

82 (15) Develop a plan and timeline of target dates for the testing,
83 implementation, and operation of a next-generation 911 system throughout
84 Missouri. The next-generation 911 system shall allow for the processing of
85 electronic messages including, but not limited to, electronic messages containing
86 text, images, video, or data;

87 (16) Administer and authorize grants and loans under section 650.335 to
88 those counties and any home rule city with more than fifteen thousand but fewer
89 than seventeen thousand inhabitants and partially located in any county of the
90 third classification without a township form of government and with more than
91 thirty-seven thousand but fewer than forty-one thousand inhabitants that can
92 demonstrate a financial commitment to improving 911 services by providing at
93 least a fifty percent match and demonstrate the ability to operate and maintain
94 ongoing 911 services. The purpose of grants and loans from the 911 service trust
95 fund shall include:

96 (a) Implementation of 911 services in counties of the state where services
97 do not exist or to improve existing 911 systems;

98 (b) Promotion of consolidation where appropriate;

99 (c) Mapping and addressing all county locations;

100 (d) Ensuring primary access and texting abilities to 911 services for
101 disabled residents;

102 (e) Implementation of initial emergency medical dispatch services,
103 including prearrival medical instructions in counties where those services are not
104 offered as of July 1, 2019; and

105 (f) Development and implementation of an emergency services internet
106 protocol network that can be shared by all public safety agencies;

107 (17) Develop an application process including reporting and accountability
108 requirements, withholding a portion of the grant until completion of a project,
109 and other measures to ensure funds are used in accordance with the law and
110 purpose of the grant, and conduct audits as deemed necessary;

111 (18) Set the percentage rate of the prepaid wireless emergency telephone
112 service charges to be remitted to a county or city as provided under subdivision
113 (5) of subsection 3 of section 190.460;

114 (19) Retain in its records proposed county plans developed under
115 subsection 10 of section 190.455 and notify the department of revenue that the
116 county has filed a plan that is ready for implementation;

117 (20) Notify any communications service provider, as defined in section
118 190.400, that has voluntarily submitted its contact information when any update
119 is made to the centralized database established under section 190.475 as a result
120 of a county or city establishing or modifying a tax or monthly fee no less than
121 ninety days prior to the effective date of the establishment or modification of the
122 tax or monthly fee;

123 (21) Establish criteria for consolidation prioritization of public safety
124 answering points; [and]

125 (22) In coordination with existing public safety answering points, by
126 December 31, 2018, designate no more than eleven regional 911 coordination
127 centers which shall coordinate statewide interoperability among public safety
128 answering points within their region through the use of a statewide 911
129 emergency services network; and

130 **(23) Establish an annual budget, retain records of all revenue**
131 **and expenditures made, retain minutes of all meetings and**
132 **subcommittees, post records, minutes, and reports on the board's web**
133 **page on the department of public safety website.**

134 5. The department of public safety shall provide staff assistance to the
135 board as necessary in order for the board to perform its duties pursuant to
136 sections 650.320 to 650.340. The board shall have the authority to hire
137 consultants to administer the provisions of sections 650.320 to 650.340.

138 6. The board shall promulgate rules and regulations that are reasonable
139 and necessary to implement and administer the provisions of **sections 190.455,**
140 **190.460, 190.465, 190.470, 190.475, and** sections 650.320 to 650.340. Any rule
141 or portion of a rule, as that term is defined in section 536.010, shall become
142 effective only if it has been promulgated pursuant to the provisions of chapter
143 536. This section and chapter 536 are nonseverable and if any of the powers
144 vested with the general assembly pursuant to chapter 536 to review, to delay the
145 effective date or to disapprove and annul a rule are subsequently held
146 unconstitutional, then the grant of rulemaking authority and any rule proposed
147 or adopted after August 28, 2017, shall be invalid and void.

Section B. Because immediate action is necessary to provide funding for
2 emergency services in this state, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

✓